IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 11TH JUNE 2007 / 21ST JYAISHTA 1929

Crl.MC.No. 1876 of 2007()

[CRIME NO.702/2003 OF THIRUVALLA POLICE STATION]

PETITIONER:

VINU.P.R., SON OF SHRI. RAJU,
RESIDING AT PULIMOOTTIL VADAKKETHIL,
ADAMPADA COLONY, P.O.THIRUMOOLAPURAM,
THIRUVALLA, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.C.K.SASI

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
THIRUVALLA POLICE STATION, THIRUVALLA,
PATHANAMTHITTA DISTRICT.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 11/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.1876 of 2007

Dated this the 11th day of June 2007

O R D E R

The petitioner faces indictment in a prosecution under Section 8 of the Kerala Abkari Act. The petitioner has not entered appearance so far. He finds a warrant of arrest issued by the learned Magistrate chasing him. The petitioner is willing to appear before the learned Magistrate. But he apprehends that the learned Magistrate may not consider his application for bail on merits, in accordance with law and expeditiously. He may not be granted bail by the learned Magistrate, it is apprehended. In these circumstances, it is prayed that directions may be issued under Section 482 Cr.P.C to the learned Magistrate to release the petitioner on bail when he appears or is produced before the learned Magistrate.

2. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate, the circumstances under which he could not earlier appear before the learned Magistrate. I find absolutely no reason to assume

that the learned Magistrate would not consider the application for bail to be filed by the petitioner on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific directions appear to be necessary. Sufficient general directions have been issued in Alice George vs.Deputy Superintendent of Police [2003(1)KLT 339].

3. In the result, this Criminal Miscellaneous Case is dismissed but with the specific observation that if the petitioner surrenders before the learned Magistrate and applies for bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously - on the date of surrender itself.

Hand over copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007